

Midland County - District Clerk - County Court at Law Court

Alex Archuleta

District Clerk

Midland County, Texas

/s/ Angela Gardea

CAUSE NO. CC22826

KWAME OPPONG

§

~~IN THE JUDICIAL DISTRICT~~

§

§

VS.

§

~~DISTRICT COURT~~

§

HOME DEPOT U.S.A., INC. IND. AND

§

D/B/A THE HOME DEPOT AND

§

THE HOME DEPOT

§

~~MIDLAND COUNTY, TEXAS~~

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, KWAME OPPONG, PLAINTIFF, complaining of HOME DEPOT U.S.A., INC., INDIVIDUALLY AND D/B/A THE HOME DEPOT, AND THE HOME DEPOT, DEFENDANTS, and for cause of action would show:

**I.**

Plaintiff is a resident of Midland County, Texas.

Defendant, Home Depot U.S.A., Inc., is doing business in the State of Texas and can be served through its registered agent for service of process, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3218.

Defendant, The Home Depot, is doing business in the State of Texas and can be served through its registered agent for service of process, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3218.

II.

Plaintiff intends to conduct discovery under level II of Rule 190 of the Texas Rules of Civil Procedure.

III.

Venue is proper in Midland County, Texas under the general venue statute as the incident which gives rise to this suit occurred in Midland County.

IV.

Plaintiff brings this suit to recover damages sustained by Plaintiff in a work place accident which occurred in Midland County, Texas, on or about November 1, 2018, which accident was proximately caused by the negligence of the Defendants.

Plaintiff, KWAME OPPONG, while exercising due care for his own safety, was in the course and scope of his employment with the Defendants, when he was injured as a result of the negligence of the Defendants. As a result of the negligence of the Defendants he was violently and suddenly struck by a box that fell and landed on his face, injuring his teeth, mouth, face, and body generally.

Plaintiff, KWAME OPPONG, at the time and on the occasion in question was and employee for Defendants.

Defendants at the time of the accident in question were not a subscriber to the Texas Workers' Compensation Act in the State of Texas which would have covered the Plaintiff for his injuries.

Plaintiff, KWAME OPPONG, at the time and on the occasion in question was performing his normal job duties assigned to him and was injured as a result of a failure to provide a safe

work environment, failure to provide safe equipment, and the negligent acts of a coworker.

V.

At the time and on the occasion in question, Defendants were negligent of various acts and omissions, which negligence was the proximate cause of the occurrence in question.

Defendants failed to provide the Plaintiff with a safe work place and failed to properly supervise its employees to insure that safe work place practices were being employed.

VI.

As a result of the accident above described, Plaintiff suffered severe personal injuries, causing Plaintiff to incur reasonable and necessary medical expenses, physical pain and mental anguish, disfigurement, impairment, loss of earnings, all in the past, and in reasonable probability, will continue to suffer same in the future by reason of the nature and severity of the Plaintiff's injuries.

VII.

By reason of the above and foregoing, Plaintiff has been damaged and seeks recovery for his injuries in an amount greater than \$70,000.

VIII.

Pursuant to Rule 194, Plaintiff requests Defendants to disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2 (a)-(l).

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer herein and that upon a final trial of this cause, Plaintiff recovers: judgment against Defendants for Plaintiff's damages as set forth above in an amount within the minimum jurisdictional limits of this court; prejudgment interests on Plaintiff's damages as allowed by law; interest on the judgment at the legal rate; costs of court; and such other and further relief to

which Plaintiff may be entitled.

Respectfully submitted,

Law Offices of Miller & Bicklein  
519 Golder Avenue  
Odessa, Texas 79761  
432.550.3006 (T)  
432.362.4624 (F)

By: /s/ MARK A. CEVALLOS  
KEVIN B. MILLER  
kevin@mblaw.org  
STATE BAR NO. 14094500

MARK A. CEVALLOS  
mark@mblaw.org  
STATE BAR NO. 24038810

MATTHEW OLIVAREZ  
matthew@mblaw.org  
STATE BAR NO. 24088514

PLAINTIFF DEMANDS A JURY TRIAL